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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/043,716	01/09/2002	Dan Bexten		7450

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PERKINS COIE LLP  
POST OFFICE BOX 1208  
SEATTLE, WA 98111-1208

EXAMINER
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STINSON, FRANKIE L

ART UNIT	PAPER NUMBER
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1746

DATE MAILED: 11/04/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/043,716

Applicant(s)

BEXTEN ET AL.

Examiner

FRANKIE L. STINSON

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 10 August 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 9-11, 14-18, 20 and 22-32 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 24, 27-29 is/are allowed.
- 6) ☒ Claim(s) 9-11, 14-18, 20, 22-26 and 31 is/are rejected.
- 7) ☒ Claim(s) 30 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

1. The indicated allowability of claim 25 is withdrawn in view of the newly filed amendment to the claim, which in effect, broadened the scope of the same. The rejection based on the previously cited prior art reference(s) follow(s).
2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 9, 10, 15-19, 22, 23, 25, 26 and 31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Klaiber in view of either McNamara or Murphy.

Re claims 9, 16, 25 and 26, Klaiber is cited disclosing an apparatus for cleaning articles comprising:

a rotor (37, see fig. 4) within a chamber (10) with the rotor having a plurality of compartments/holding positions (see fig. 5 and 6) for holding the articles;

an array of nozzles/spray manifold (47, 48) arranged to spray a fluid mixture of water and cleaning solution onto the article on the rotor;

a water inlet line (30) for providing water to the nozzles;

a detergent/cleaning solution source (65),

a detergent injection line (see fig. 7) connecting the detergent source to the array of nozzles that differs from the claims only in the recitation of the control valve/mixer with the same being connected to the spray fluid manifold and the metering pump and means for controlling the pumping rate to produce a desired cleaning solution concentration. The patents to McNamara and Murphy are each cited disclosing in an

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apparatus for cleaning articles, a mixer/control valve (24 in McNamara and 50 in Murphy) a metering pump (34 in Murphy and 32 in McNamara) for feeding detergent at a control rate (see McNamara col. 5, lines 26-29 and Murphy page 2, right col. Lines 10-24). It therefore would have been obvious to one having ordinary skill in the art to modify the apparatus of Klaiber, to include a metering pump as taught by either McNamara or Murphy, for the purpose of controlling the amount of detergent provided to the cleaning a liquid, thereby ensuring a sufficient amount for proper cleaning and for the purpose of preventing the waste additives/chemicals by employing more than is needed (see McNamara, col. 5, lines 14-23). As for the cleaning flat media carriers and/or boxes, no patentable distinction is deemed to exist between the carrier as claimed and the article as taught by Klaiber in that the body of the claims fails to recite any structure that would limit the apparatus for cleaning carrier only (see MPEP 2111.02 **EFFECT OF PREAMBLE**). The phrase has been considered a statement of intended use in the preamble. Klaiber is capable of functioning as claimed. Re claim 10, Klaiber discloses the housing surrounding the chamber. Re claims 15 and 18, McNamara discloses the control valve as a mixing control valve. Re claim 17, McNamara discloses in a washing apparatus, a flow meter (54) for determining the flow of water there through. It therefore would have been obvious to one having ordinary skill in the art to modify the device of Klaiber, to include a flow meter as taught by McNamara, for the purpose of ascertaining the precise amount of water provided to the cleaning apparatus. Re claims 22 and 23, to employ one type of pump over another is deemed to be an obvious matter of design as per MPEP 2144.06, **SUBSTITUTING EQUIVALENTS**

**KNOWN FOR THE SAME PURPOSE.** The pump as claimed and that as disclosed by Klaiber, as proposedly modified, are deemed to be functional equivalents of each other. Nonetheless, Murphy discloses the positive displacement pump (34) having an adjustable stroke. It therefore would have been obvious to one having ordinary skill in the art to provide Klaiber with a pump as taught by Murphy for the purpose of precisely measuring the amount of detergent for sufficient and proper cleaning and for the purpose of preventing waste. In regard to the cleaning solutions as in claims 31, to employ one solution over another, is clearly dependent upon the type of debris to be removed and since one cleaning solution would be the functional equivalent of another. It is old and well known that different type of detergent cleaning solution work best on different types of soils and to pick and choose which type is to be employed.

4. Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over the applied prior art as applied to claim 9 above, and further in view of either Lewis et al. or McMillan.

Claim 11 defines over the applied prior art only in the recitation of the booster pump. Lewis and McMillan are each cited disclosing the booster pump (106 in Lewis and see col. 8, lines 56-66 in McMillan) as claimed. It therefore would have been obvious to one having ordinary skill in the art to modify the device of Klaiber, to include a booster pump as taught by either Lewis or McMillan, for the purpose of ensuring proper pressure in the lines for effective washing/cleaning or to increase pressure in low pressure conditions.

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5. Claims 14 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over the applied prior art as applied to claims 9 and 16 above, and further in view of Flynn.

Claims 14 and 20 define over the applied prior art only in the recitation of the recirculation line. Flynn is cited disclosing in a washing apparatus a recirculation line (via J, 50). It therefore would have been obvious to one having ordinary skill in the art to provide Klaiber with a recirculation line as taught by Flynn, for the purpose of conserving the washing fluid as is common in most automatic household washers.

6. Claim 30 stands objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

7. Claims 24 and 27-29 are allowed.

8. Applicant's arguments with respect to claims 9, 10, 11, 14-18, 20 and 22-31 have been considered but are moot in view of the new ground(s) of rejection.

As for the claims being amended to recite structure to limit the device for cleaning carrier boxes only, please note the added structure as claimed is deemed readable on the Klaiber reference. As for the proper antecedent basis for the phrase "injection line", applicant choose to delete the limitation and thereby broaden the claims to be readable on the applied prior art.

9. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP

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§ 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. In Hayward, Nolte et al., Weisselberg, Sadwith, Szczepanski Till et al. and Kleeman et al., note the compartments.

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to FRANKIE L. STINSON whose telephone number is (703) 308-0661. The examiner can normally be reached on M-F from 5:30 am to 2:30 and some Saturdays from approximately 7:30 am to 1:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Barr, can be reached on (571) 272-1700. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for

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published applications may be obtained from either Private PAIR or Public PAIR.

Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should

you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free).

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FRANKIE L. STINSON  
Primary Examiner  
GROUP ART UNIT 1746